



JERRY SANDERS
MAYOR

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Honorable Robert J. Trentacosta
Presiding Judge
San Diego Superior Court
220 West Broadway
San Diego, CA 92101

Subject: 2011/2012 San Diego County Grand Jury Report: "Traffic Congestion in The Liberty Station Area"

Dear Judge Trentacosta:

Pursuant to California Penal Code Section 933.05(a), (b) and (c), the City of San Diego provides the following responses to the findings and recommendations included in the above referenced Grand Jury Report. Clarifications to some facts presented in the Grand Jury Report are included in this response.

FACTS

Mayor's Clarifications

Fact: Development of the Liberty Station area is subject to the NTC Precise Plan and Local Coastal Program approved by the California Coastal Commission.

Clarification: The Precise Plan is a policy document established to guide redevelopment at Liberty Station. All development is also subject to the City of San Diego Land Development Code and associated entitlements VTM/MPDP/CDP No. 99-1076, EIR No. 99081140, MND 99-1076 and Addendum to EIR No. 99081140 (LDR 9113).

Fact: The Precise Plan is specific concerning the use and development of the Educational Area at Liberty Station.

Clarification: The Precise Plan is a policy document established to guide redevelopment at Liberty Station.

Fact: The San Diego City Development Services Department issued a Conditional Use Permit to the Rock Academy and Church.

Fact: The traffic congestion, street closure, parking problems, and other issues are caused by the large number of persons who enter the Liberty Station area each Sunday to participate in Church activities.

Clarification: Though traffic and parking demand is heaviest at Liberty Station during Sunday church services, there are many other commercial, retail, park and special event uses which also typically are operating at Liberty Station during this timeframe.

FINDINGS

Finding 01: A church is not a compatible use within the Liberty Station Precise Plan educational area.

Disagree. The site is zoned CR-1-1 (Commercial Regional) and allows church uses through a conditional use permit per San Diego Municipal Code (SDMC) Section 126.0303. The NTC Precise Plan and Local Coastal Program (NTC PP/LCP) identifies the site is zoned CR in at least three locations (Table 2.5, Table 6.1 and Table 7.1); the Grand Jury report misidentifies the zoning of the property as “education”. Although the NTC PP/LCP recommends that uses in the Educational Area shall focus on educational uses (see Table 2.1) and support the goal “to create an eclectic mix of educational institutions that will serve a cross-section of the community”, this policy language is not exclusive of other uses which may be available through the underlying CR-1-1 base zone. Applied to the property in 2001 during the NTC PP/LCP entitlement process, the CR-1-1 zone allows for a mix of regional serving commercial uses and residential uses, with an auto orientation, and allows private school and church uses through a conditional use permit (SDMC Section 126.0303). The NTC PP/LCP characterizes the Educational Area as a portion of the base where the existing Navy structures would lend themselves to adaptive reuse for educational purposes. Renovation of the existing structure to accommodate the Rock Academy and Church project implemented the NTC PP/LCP goals within the Educational Area to reuse and rehabilitate existing structures for educational uses, and the facility meets all development standards established by the NTC PP/LCP regarding redevelopment of NTC.

Finding 02: The City’s issuance of a Conditional Use Permit to a church to operate in the educational area is not allowed by provisions of the Precise Plan.

Disagree. The site is zoned CR-1-1 and SDMC Section 126.0303 provides for “Churches and Places of Religious Assembly” to be considered in the CR zone through the Conditional Use Permit process.

The NTC PP/LCP, adopted by the San Diego City Council in July 2001 and certified by the California Coastal Commission in September 2001, is a policy document which establishes goals and strategies for land use, public facilities and urban design to guide the development and use of the 361-acre portion of the former Naval Training Center San Diego (currently also known as

Liberty Station) after transfer to the City of San Diego following recommended closure of the base in 1993. The document establishes the basis for development regulations, including zoning and development permits. Combined with the regulatory framework of the SDMC, the NTC PP/LCP constitutes the Local Coastal Land Use Plan for the redevelopment of Liberty Station.

Applied to the property in 2001 during the NTC PP/LCP entitlement process, the CR-1-1 zone allows for a mix of regional serving commercial uses and residential uses, with an auto orientation, and allows private school and church uses through a conditional use permit (per SDMC Section 126.0303). An application for a conditional use permit was filed with the Development Services Department and on July 22, 2004, following an appeal of the Hearing Officer's decision to approve, the City of San Diego Planning Commission approved Conditional Use Permit (CUP) No. 14125 for The Rock Academy and Church, making all the necessary findings of approval, including that the proposed school/church development would not adversely affect the applicable NTC PP/LCP land use plan, and that the use was locationally appropriate.

Finding 03: Traffic congestion, parking problems, the need for a street closure, and other issues alleged in the original complaint are directly related to a church not being compatible for the Liberty Station area.

Disagree. The City Council approved and adopted the NTC Redevelopment Project Area and Environmental Impact Report (EIR) No. 99081140, fully informed that significant impacts related to transportation and circulation would not be fully mitigated to below a level of significance and that cumulative impacts identified as a result of the Redevelopment of NTC would result in significant transportation and circulation impacts. The Finding does not acknowledge that Addendum to EIR No. 99081140 (LDR 9113) prepared for The Rock Academy and Church CUP project properly analyzed the associated traffic and parking impacts, determining that the school and church use would result in less overall traffic generation and a lower parking demand than formerly assumed under the NTC PP/LCP. The analysis concluded that sufficient parking would be available within the allowable limits for this project and for the Liberty Station project. The Finding does not acknowledge that sufficient parking to handle the school and church uses is required as a condition of the CUP No. 14125. It is noted that the Grand Jury Report does not indicate the Grand Jury reviewed Environmental Impact Report No. 99081140 or Addendum to EIR No. 99081140 (LDR 9113).

In 1993, the Federal Base Closure and Realignment Commission recommended closure of NTC. The City of San Diego was designated the Local Redevelopment Authority responsible for the preparation of a reuse plan and on April 29, 1997 the City Council approved and adopted the NTC Redevelopment Project Area. The Redevelopment EIR prepared for the NTC Redevelopment Project and certified by the Redevelopment Agency of the City of San Diego on February 1, 2000 indicated that direct significant impacts on the following issues would be substantially lessened or avoided if all the proposed mitigation measures recommended in the

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Final EIR were implemented: land use, transportation and circulation, cultural resources, biological resources, geology and soils, hydrology and water quality, air quality, public health and safety, visual resources, noise, and community services and facilities. Additionally, it was identified that significant impacts related to transportation and circulation would not be fully mitigated to below a level of significance. Cumulative impacts identified as a result of the

Redevelopment action would result in significant transportation and circulation impacts. The City of San Diego contemplated these impacts of developing the project site and determined that specific overriding economic, legal, social, technological, and other benefits of the NTC Redevelopment Plan outweigh any and all significant effect that Redevelopment would have in the environment, and that on balance, the remaining significant effects were found acceptable based on the Statement of Overriding Considerations.

RECOMMENDATION

12-41: Suspend the current Conditional Use Permit for the Rock Academy and Church pending a review for compliance and compatibility with the NTC Precise Plan and Local Coastal Program report (September 2001) and determine the Church's appropriateness for that area.

Response: The recommendation will not be implemented because it is not warranted or reasonable. The Rock Academy and Church project was properly granted CUP No. 14125 by the Planning Commission under all the terms required by the SDMC, the NTC PP/LCP, associated entitlements VTM/MPDP/CDP No. 99-1076, and Addendum to EIR No. 99081140 (LDR 9113).

Please contact Kelly Broughton, Development Services Department Director at 619-321-3233 if you have any questions.

Sincerely,



JERRY SANDERS
Mayor

cc: San Diego County Grand Jury
Chief Operating Officer
City Clerk
Development Services Department Director
Administration Department Director